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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,782	03/19/2004	James Weatherly	1491-8	7764

EXAMINER	
PAYER, HWEI SIU CHOU	

ART UNIT	PAPER NUMBER
3724	

DATE MAILED: 11/16/2005

29941 7590 11/16/2005  
GLENN C. BROWN, PC  
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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/804,782

Applicant(s)

WEATHERLY ET AL.

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## Detailed Action

Claims 5-8 have been misnumbered. They have been renumbered as claims 4-8, respectively.

### Drawings Objection

1. The drawings are objected to because:

In Figs.6-124, some of the legends are legible.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the anvil surface, the eccentric rotatable swaging die, the sensor, the shaping dies and the shaping surfaces (cited in claim 1), the arms, the swaging die and the limit switches (cited in claim 2), the position indicator and the sensor (cited in claim 3), the machine readable position indicator (cited in claims 3-6), the visual position indicator (cited in claim 4), the groove and the magnetic material (cited in claim 6) and the clamping mechanism (cited in claim 7) must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Objection to the Specification**

The disclosure is objected to because of the following informalities:

(1) The use of term "Fig.'s" through out the specification is incorrect. It should read --Figs.--.

(2) On page 3, line 23, "Fig.'s 16A-16B" should read --Figs.16A-16C--.

(3) On page 5, reference numerals "16,18,20,22,23,24,26,28" are not found in Figs.6-7.

(4) On page 5, line 19, reference numeral "831" is not found in Figs.8-9.

(5) On page 5, line 19, reference numeral "2201" is not found in Fig.22.

(6) On page 6, reference numerals "30,32,34,36,38" are not found in the drawings.

Appropriate correction is required.

### **Claims Objection**

Claims 2 and 4-6 are objected to for the following reasons:

(1) Claim 2 should end with a period.

(2) Claim 4 as renumbered improperly depends from itself. For examining purpose, claim 4 has been interpreted as being dependent from claim 3.

(2) In claim 5 (as renumbered), "the machine readable position indicator" lacks clear antecedent basis. For examining purpose, claim 5 has been interpreted as being dependent from claim 3.

### **Claims Rejection - 35 U.S.C. 112, first paragraph**

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

(1) In claim 1, it is not clear how the sawing assembly is in communication with the blade positing and transport mechanism.

(2) In claim 1, it is not clear how the anvil surface engages a top surface of the saw tooth, the opposed members clamp the saw tooth, the eccentric rotatable swaging die swages the saw tooth, and the sensor detects a predetermined rotational position of the sawing die.

(3) In claim 1, it is not clear how the shaping assembly is operable to engage and from opposed side surfaces of the saw tooth.

(4) In claim 1, it is not clear how the blade positioning mechanism is in communication with the swaging assembly and with the shaping assembly to position and reposition the saw tooth.

(5) In claim 1, it is not clear how the control mechanism is in communication with the swaging assembly and the shaping assembly to position the saw tooth in the sawing assembly to rotate the swaging die, to move the saw tooth from the swaging assembly, to the shaping assembly and to operate the shaping dies.

(6) In claim 2, it is not clear how the limit switches is engageable with the arm and is in communication with the control mechanism and operable to generate a control signal in response to engagement with the arm.

(7) In claim 3, it is not clear how the position indicator indicates the rotation position of the swaging die, and how the sensor is in communication with the swaging die and the control mechanism and operable to generate a control signal responsive to detection of a predetermined portion of the machine readable position indicators.

(8) In claim 4, it is not clear how the clamping mechanism is operable to fix the saw tooth in position in the swaging assembly.

#### **Claims Rejection - 35 U.S.C. 112, second paragraph**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In claim 1, "the blade positioning and transport mechanism" has no clear antecedent basis.

(2) In claim 1, it is not clear what the difference is between the sensor and the control mechanism. It appears they are both for detecting a predetermined rotational position of the swaging die.

(3) In claim 3, is the sensor cited therein in addition to the sensor of claim 1?

(4) In claim 3, "the machine readable position indicators" lacks antecedent basis.

### **Prior Art Citations**

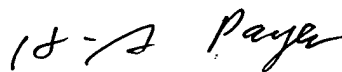
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lambley, Vigneau, Mitchell, Ferrari, Kellogg, Heitzman, Kivimaa and Bohman are cited as art of interest.

### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

H Payer  
November 10, 2005



**Hwei-Siu Payer**  
**Primary Examiner**